

# **EXHIBIT B**



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In the Matter of:

RE TOY ASBESTOS LITIGATION

VS

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**CARL BRODKIN**

*March 06, 2020*

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RE TOY ASBESTOS LITIGATION  
Brodkin, Carl - March 06, 2020

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IN RE TOY ASBESTOS LITIGATION

)  
)  
) No. 4:19-cv-00325-HSG  
)  
) Related:  
) 4:19-cv-00326-HSG  
) and  
) 4:19-cv-00336-HSG  
)  
)  
)

DEPOSITION OF CARL A. BRODKIN, MD MPH FACOEM

March 6, 2020

Seattle, Washington

Reporter: Barbara Castrow, CCR, RMR, CRR

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25 Q Can you describe them for me?

1 **A Yes, the first one is authored by Brent Staggs. It's**  
2 **dated January 3, 2020. And the second one is from**  
3 **Dr. Victor Roggli dated February 25, 2020.**

4 **Q** Okay. And actually I know I said these were part of  
5 Exhibit 5, but why don't we make the Staggs report  
6 Exhibit 6 and the Roggli report Exhibit 7, just so we  
7 don't confuse them with the other ones you have received.  
8 Is that okay?

9 **A Sure.**

10 (Exhibit Nos. 6-7 marked  
11 for identification.)

12 **MR. DEENIHAN:** Ben, have you produced  
13 the Staggs report?

14 **MR. ADAMS:** I'm not sure. I don't  
15 think in the initial disclosures he was disclosed, but he  
16 will be submitting a supplemental report in response to  
17 -- or a rebuttal report in response to Roggli.

18 **MR. DEENIHAN:** Would you have a  
19 problem sending me that now so I can take a look at it?

20 **MR. ADAMS:** No. Let me see if I can  
21 find it real quick. I will send it to you as soon as I  
22 can.

23 (Discussion off the record.)

24 **Q** (By Mr. Deenihan) Okay. Ben, if you could send me that,  
25 and maybe I'll take a look at it over the break and then



1 we can discuss it.

2 Have you had a chance to review those two reports?

3 **A Yes, I have.**

4 Q Okay. We'll get to that later on. Did you ever produce  
5 any draft reports?

6 **A I did not.**

7 Q Outside of the two documents -- the two export reports  
8 that you brought with you, have you reviewed anything  
9 else subsequent to the date of your report in late  
10 January?

11 **A No.**

12 Q Are there any materials that you relied on in forming  
13 your report that you did not bring with you today?

14 **A I would indicate, and this is consistent with the Notice**  
15 **of Deposition, that articles that I've relied on are**  
16 **listed in the Reference Reliance List or noted in the**  
17 **body of my report. So I don't have those actual articles**  
18 **or references, but they are listed.**

19 Q Okay. I understand. They are listed in there. You may  
20 not have physical copies with you. Is that a fair  
21 summary?

22 **A Yes.**

23 Q Okay. Did you review any expert reports besides the  
24 Dr. Roggli one and the Dr. Staggs one?

25 **A No, not to my knowledge. I mean, the other pathology**

1 about an hour. Do you want to take a break?

2 **THE WITNESS: We could take five**  
3 **minutes.**

4 MR. ADAMS: Sounds good.

5 MR. DEENIHAN: Let's take a quick  
6 five. That will be an opportunity for me to look at the  
7 Staggs report. Let's go off the record.

8 (Recess from 10:01 to 10:08.)

9 Q (By Mr. Deenihan) Doctor, I'm looking at the Dr. Staggs'  
10 report. Do you have that in front of you?

11 A **Yes.**

12 Q Okay. Do you rely on this report with respect to your  
13 opinions?

14 A **Well, I would indicate that for the January 20, 2020,**  
15 **report, I had not reviewed Dr. Staggs' report, so I did**  
16 **not rely on it. I relied on the treating clinical**  
17 **pathologists for my assessment.**

18 Q Okay. Does this report then have no significance to you?  
19 Is it something that you don't rely on? I'm trying to  
20 figure that part of it out.

21 A **Certainly Dr. Staggs' opinion is consistent with the**  
22 **clinical pathologist's report at Butler Health Pathology**  
23 **from October 1st, 2018. I would say it's fully**  
24 **consistent with that.**

25 Q Okay. And when you say "consistent," do you mean in

1 terms of diagnosing with a mesothelioma based on  
2 pathology review?

3 **A Yes, and in terms of the histologic type and epithelioid**  
4 **mesothelioma, it is consistent.**

5 And in terms of its review of the immuno-  
6 histochemical markers, it's consistent with what was  
7 stated in the clinical pathology report from Butler  
8 Health.

9 **Q** I'm confused what you mean by consistent as to the review  
10 of the immunohistochemical -- I keep messing that word  
11 up. I'm sorry. For review of the markers, that it's  
12 consistent. What part of the report are you referring  
13 to?

14 **A** So this would be Page 13 of the report when he's  
15 reviewing pathology reports. He reviews the Butler  
16 Memorial Hospital report. And that review, I think, is  
17 consistent and fairly states what was observed in the  
18 report, the pathology report at Butler Health.

19 **Q** So you are referring to his recapitulation of the Butler  
20 Health report?

21 **A** His review of it, yes.

22 **Q** Okay. And then in turning to his own pathological  
23 review, did you review that section as well?

24 **A** Yes.

25 **Q** Okay. Are you able to tell me what staining he